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U.S. Serial No. **10/691,215** Group Art Unit: **2624**

Attorney Docket No. **11240.00** Examiner: **Randolph I. Chu**

Attached herewith are the following items for the above-identified patent application:

(1) an Appeal Brief in furtherance to the Notice of Appeal of **December 19, 2008** (**11** sheets); and

(2) *if applicable*, a Request for Extension of Time (**0** sheet).

Respectfully submitted,

Michael Chan
Reg. No. 33,663

CERTIFICATE OF TRANSMISSION

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Shirley Doll

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Dayton, Ohio

Docket No. **11240.00**

Application of

Nancy B.M. Stefanuk

Serial No. **10/691,215** Group Art Unit: **2624**

Filed: **October 22, 2003** Examiner: **Randolph I. Chu**

For: **CHECK AND METHOD OF PROVIDING APRIORI REFERENCE IMAGE QUALITY DATA FOR USE IN DETERMINING QUALITY OF AN IMAGE OF A FINANCIAL DOCUMENT**

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Commissioner for Patents
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Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

This Appeal Brief is in furtherance of the Notice of Appeal filed in this case on **December 19, 2008.** Authorization is given to charge deposit account number 14-0225 for the fee under 37 C.F.R. 1.17 for filing the Appeal Brief.

(1) REAL PARTY IN INTEREST

The present application is assigned to NCR Corporation of Maryland.

(2) RELATED APPEALS AND INTERFERENCES

None.

(3) STATUS OF CLAIMS

Claims 3-10, 12, and 13 are canceled.

Claims 1, 2, 11, and 14 are pending.

Claims 1, 2, 11, and 14 stand rejected.

Claims 1, 2, 11, and 14 are appealed and are attached as an appendix to this Appeal Brief.

(4) STATUS OF AMENDMENTS

No amendments were entered subsequent to the last final rejection which was mailed on August 29, 2008.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1

A check 30 (see page 4, line 6) comprising:

sheet material having a first area portion 49 and a second area portion 50 which is different from the first area portion (see page 4, lines 14-22);

means defining at least one symbol 49 which is pre-printed on the first area portion of the sheet material (see page 4, lines 11-13); and

means for storing on the second area portion of the sheet material encoded information 50 including apriori reference image quality data which is representative of at least one image quality characteristic associated with the at least one symbol which is pre-printed on the first area portion of the sheet material (see page 4, lines 18-22).

Independent Claim 2

A check 30 (see page 4, line 6) comprising:

sheet material having a first area portion 49 and a second area portion 50 which is different from the first area portion (see page 4, lines 14-22);

at least one symbol 49 which is other than a magnetic ink character recognition (MICR) codeline and which is pre-printed on the first area portion of the sheet material (see page 4, lines 11-13); and

means for storing on the second area portion of the sheet material encoded information 50 including apriori reference image quality data which is representative of at least one image quality characteristic associated with the at least one symbol which is other than a MICR codeline and which is pre-printed on the first area portion of the sheet material (see page 4, lines 18-22).

Independent Claim 11

A method of providing an indication of quality of an image of a financial document 30 having a first area portion 49 and a second area portion 50 which is different from the first area portion (see page 4, lines 6 and 14-22), the method comprising:

storing on the second area portion of the financial document encoded information 50 including apriori reference image quality data which is representative of an image quality characteristic associated with at least one symbol 49 which is pre-printed on the first area portion of the financial document (see page 4, lines 18-22);

receiving image data which is representative of the image of the financial document (see page 6, lines 20-23);

retrieving the apriori reference image quality data from the encoded information stored on the second area portion of the financial document (see page 6, line 23 to page 7, line 2);

comparing the retrieved apriori reference image quality data with the received image data to determine the image quality of the symbol which is pre-printed on the first area portion of the financial document (see page 7, lines 6-20); and

providing an indication of quality of the image of the financial document based upon the comparison of the retrieved apriori reference image quality data with the received image data (see page 7, lines 21-22).

Independent Claim 14

A method of providing an indication of quality of an image of a check 30 having a first area portion 49 and a second area portion 50 which is different from the first area portion (see page 4, lines 6 and 14-22), the method comprising:

storing on the second area portion of the check encoded information 50 including apriori reference image quality data which is representative of an image quality characteristic associated with a symbol 49 which is other than a magnetic ink character recognition (MICR) codeline and which is pre-printed on the first area portion of the check (see page 4, lines 18-22);

receiving image data which is representative of the image of the check (see page 6, lines 20-23);

retrieving the apriori reference image quality data from the encoded information stored on the second area portion of the financial document (see page 6, line 23 to page 7, line 2);

comparing the retrieved apriori reference image quality data with the received image data to determine the image quality of the symbol which is other than a MICR codeline and which is pre-printed on the first area portion of the check (see page 7, lines 6-20); and

providing an indication of quality of the image of the check based upon the comparison of the retrieved apriori reference image quality data with the received image data (see page 7, lines 21-22).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

An issue presented for review is whether each of claims 1, 2, 11, and 14 is patentable under 35 U.S.C. Section 102(b) over U.S. Patent No. 6,351,553 to Hayosh.

(7) **ARGUMENT**

Applicant would like to point out that the rejection of claims 1, 2, 11, and 14 of the present application is improper for at least the following reasons.

Claim 1

Applicant notes from the Office Action that the Office seems to suggest that a barcode comprises "...encoded information including apriori reference image quality data which is representative of at least one image quality characteristic associated with the at least one symbol which is pre-printed on the first area portion of the sheet material" (as recited in claim 1 of the present application).

In this regard, Applicant would like to respectfully point out that while the content of a barcode may be considered to be encoded, the barcode of Hayosh does not include any apriori reference image quality data which is representative of at least one image quality characteristic associated with a symbol which is pre-printed on the first area portion of the sheet material.

Claim 2

Applicant notes from the Office Action that the Office seems to suggest that a MICR codeline comprises "...encoded information including apriori reference image quality data which is representative of at least one image quality characteristic associated with the at least one symbol which is other than a MICR codeline..." (as recited in claim 2 of the present application).

In this regard, Applicant would like to respectfully point out that while the content of a MICR codeline may be considered to be encoded, a MICR codeline does not include any apriori reference image quality data which is representative of at least one image quality characteristic associated with a symbol which is other than a MICR codeline. Applicant would like to direct the Office to column 1, line 66 to column 2, line 40 of Hayosh which describes content of a MICR codeline. Nowhere does Hayosh disclose or suggest that the MICR codeline includes any apriori reference image quality data which is representative of at

least one image quality characteristic associated with the at least one symbol (as recited in claim 2 of the present application).

Claim 11

Applicant notes from the Office Action that the Office seems to suggest that a barcode comprises "...encoded information including apriori reference image quality data which is representative of at least one image quality characteristic associated with the at least one symbol which is pre-printed on the first area portion of the sheet material" (as recited in claim 11 of the present application).

In this regard, Applicant would like to respectfully point out that while the content of a barcode may be considered to be encoded, the barcode of Hayosh does not include any apriori reference image quality data which is representative of at least one image quality characteristic associated with a symbol which is pre-printed on the first area portion of the sheet material.

Claim 14

Applicant notes from the Office Action that the Office seems to suggest that a MICR codeline comprises "...encoded information including apriori reference image quality data which is representative of at least one image quality characteristic associated with the at least one symbol which is other than a MICR codeline..." (as recited in claim 14 of the present application).

In this regard, Applicant would like to respectfully point out that while the content of a MICR codeline may be considered to be encoded, a MICR codeline does not include any apriori reference image quality data which is representative of at least one image quality characteristic associated with a symbol which is other than a MICR codeline. Applicant would like to direct the Office to column 1, line 66 to column 2, line 40 of Hayosh which describes content of a MICR codeline. Nowhere does Hayosh disclose or suggest that the MICR codeline includes any apriori reference image quality data which is representative of at least one image quality characteristic associated with the at least one symbol (as recited in

claim 14 of the present application).

Conclusion

In view of the forgoing reasons, it is clear that the rejection of claims 1, 2, 11, and 14 under 35 U.S.C. Section 102(b) is improper and, therefore, should be withdrawn. It is respectfully requested that the Board reverse the rejection of claims 1, 2, 11, and 14.

Respectfully submitted,

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(8) CLAIMS APPENDIX

1. A check comprising:

sheet material having a first area portion and a second area portion which is different from the first area portion;

means defining at least one symbol which is pre-printed on the first area portion of the sheet material; and

means for storing on the second area portion of the sheet material encoded information including apriori reference image quality data which is representative of at least one image quality characteristic associated with the at least one symbol which is pre-printed on the first area portion of the sheet material.

2. A check comprising:

sheet material having a first area portion and a second area portion which is different from the first area portion;

at least one symbol which is other than a magnetic ink character recognition (MICR) codeline and which is pre-printed on the first area portion of the sheet material; and

means for storing on the second area portion of the sheet material encoded information including apriori reference image quality data which is representative of at least one image quality characteristic associated with the at least one symbol which is other than a MICR codeline and which is pre-printed on the first area portion of the sheet material.

11. A method of providing an indication of quality of an image of a financial document having a first area portion and a second area portion which is different from the first area portion, the method comprising:

storing on the second area portion of the financial document encoded information including apriori reference image quality data which is representative of an

image quality characteristic associated with at least one symbol which is pre-printed on the first area portion of the financial document;

receiving image data which is representative of the image of the financial document;

retrieving the apriori reference image quality data from the encoded information stored on the second area portion of the financial document;

comparing the retrieved apriori reference image quality data with the received image data to determine the image quality of the symbol which is pre-printed on the first area portion of the financial document; and

providing an indication of quality of the image of the financial document based upon the comparison of the retrieved apriori reference image quality data with the received image data.

14. A method of providing an indication of quality of an image of a check having a first area portion and a second area portion which is different from the first area portion, the method comprising:

storing on the second area portion of the check encoded information including apriori reference image quality data which is representative of an image quality characteristic associated with a symbol which is other than a magnetic ink character recognition (MICR) codeline and which is pre-printed on the first area portion of the check;

receiving image data which is representative of the image of the check;

retrieving the apriori reference image quality data from the encoded information stored on the second area portion of the financial document;

comparing the retrieved apriori reference image quality data with the received image data to determine the image quality of the symbol which is other than a MICR codeline and which is pre-printed on the first area portion of the check; and

providing an indication of quality of the image of the check based upon the comparison of the retrieved apriori reference image quality data with the received image data.

(9) EVIDENCE APPENDIX

None.

(10) RELATED PROCEEDINGS APPENDIX

None.